

Bill No. 6-05  
Concerning: Junk Dealers and  
Junkyards - Repeal -  
Revised: 4-8-05 Draft No. 1  
Introduced: April 12, 2005  
Enacted: June 28, 2005  
Executive: July 10, 2005  
Effective: October 9, 2005  
Sunset Date: None  
Ch. 7, Laws of Mont. Co. 2005

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

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By: Council President at the request of the County Executive

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**AN ACT** to repeal the County law regarding licensing of junk dealers and junkyards.

By repealing  
Montgomery County Code  
Chapter 28, Junk Dealers and Junkyards

<b>Boldface</b>	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

*The County Council for Montgomery County, Maryland, approves the following Act:*

**Sec. 1. Chapter 28 is repealed as follows:**

**[28-1. Definitions.**

For the purposes of this chapter, the following words and terms shall have the meanings respectively ascribed to them in this section:

Junk dealer. Any person who collects, dismantles, stores, buys or otherwise handles old paper, rags or other combustible materials, glass, old metal, old machinery or old motor vehicles for the purpose of salvage or sale; provided, that the term "junk dealer" shall not apply to any person who collects or stores such material solely for use in connection with manufacturing processes conducted by such person.

Junkyard. Each place of business where at such activities are conducted.]

**[28-2. Licenses.**

No junk dealer may operate within the County without a license from the Department of Environmental Protection. Such licenses are issued annually and expire on the July 30 following their issuance. The annual license fee for each license is \$100.00, and a separate license is required for each junkyard operated by a junk dealer.]

**[28-3. Yard enclosures generally.**

Every junkyard now in existence or hereafter established within the metropolitan district of the county shall be screened by a substantial enclosure not less than six (6) feet in height, constructed of wood, cinder block, brick or a combination thereof. Such enclosure shall at all times be painted or otherwise maintained in a good, clean condition and be kept free from signs, posters, bills and all other advertising matter except advertising matter indicating the name of the junkyard. All junkyards now in existence or hereafter established outside of the

metropolitan district of the county shall be enclosed as provided above or by a six-foot woven wire fence. ]

**[28-4. Junk not to be piled higher than fence, etc.**

No junk dealer shall permit any junk to be piled within his junkyard higher than the top of the fence or enclosure surrounding the same, and no junk or materials of any kind shall be kept outside the fence or enclosure.]

**[28-5. Gates and driveways.**

All means of ingress and egress to and from junkyards through the fence or enclosure required by this chapter shall have suitable gates or doors thereon which shall be closed at all times except during normal business hours. All driveways leading from the right-of-way line to the fence or enclosure shall be constructed of hard surface and properly graded and drained.]

**[28-6. Burning tires, etc., prohibited.**

No junk dealer shall permit or cause any burning of tires, batteries or other substances on his premises which cause obnoxious odors or excessive smoke.]

**[28-7. Drainage requirements.**

All junkyards shall be constructed, graded and drained so as to prevent the accumulation of water standing in puddles, depressions or ditches.]

**[28-8. Rodent and mosquito control.**

The Director of the Department of Environmental Protection has the authority, under applicable laws and regulations, to require junk dealers to take preventive measures against rodents and mosquitoes.]

**[28-9. Inspection of premises by police, fire marshal, etc.**

All junk dealers must permit police officers, the Fire Marshal and employees of the Department of Environmental Protection and the Department of Health and Human Services to inspect and examine their premises and stored materials at any

reasonable time for the purpose of enforcing the provisions of this Chapter. The Department of Environmental Protection must inspect all junkyards at least once a year.]

**[28-10. Violations and penalty.**

Any violation of any provisions of this chapter shall be punished as a class B violation as set forth in section 1-19 of chapter 1 of the County Code. Each day a violation continues to exist shall constitute a separate offense. In addition to the penalties prescribed by this section, the director of the department of environmental protection shall have the authority to revoke or suspend the license of any junk dealer violating any of the provisions of this chapter.]

*Approved:*

/s/

6/30/05

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Thomas E. Perez, President, County Council

Date

*Approved:*

/s/

7/10/05

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Douglas M. Duncan, County Executive

Date

*This is a correct copy of Council action*

/s/

7/11/05

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Linda M. Lauer, Clerk of the Council

Date